IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4932 OF 2005

Harish Thakurdas Amesur & Anr ...Applicants

Versus

M/s. American Dry Fruit Sotres and Another ...Respondents

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Mr. S.B. Keshwani i/b Mr. Yogesh Israni, Advocate for Applicants

Mr. Amol Doijode, Advocate for Respondent No.1.

Mr. S.R. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 10TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the applicants, the learned advocate for the respondent No.1 i.e. original complainant and the learned A.P.P. for the State.

2. The respondent No.1 had filed a complaint before the learned Metropolitan Magistrate, 37th Court, Esplanade, Mumbai against the present applicants under Section 78 and 79 of the Trade and Merchandise Marks Act 1958 and under Section 420, 482, 486 r.w. 114 of I.P.C. The said case was numbered as case No. 254/M/2002. The said complaint was referred to the

police for investigation under Section 156(3) of Cr.P.C. Thereafter, it came to be numbered as MECR No. 16 of 2002 by the CB Control CID and thereafter, the case was numbered before the Magistrate as Case No.139/P/2002.

3. The learned advocate for the complainant has submitted that the dispute between the parties has been amicably settled and in view of the settlement the complainant does not wish to pursue his complaint. Looking to the fact that the dispute has been amicably settled between the parties and the fact that the complainant does not wish to pursue his complaint, I am of the opinion that no purpose would be achieved by continuing the said prosecution. In this view of the matter, the MECR No. 16 of 2002 and complaint No. 139/P/2002 and the proceedings relating thereto are quashed.

4. Application is disposed of.

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